

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JESSE ORTIZ,

Plaintiff,

v.

Case No.: 2:11-cv-03123 (STA)

THE HERSHEY COMPANY,

Defendant.

MOTION TO STRIKE DEFENDANT’S REPLY BRIEF

Pursuant to LR56(c), Plaintiff, Jesse Ortiz, by and through his counsel moves this court to strike the Defendant’s Reply Brief. As grounds for this relief, Plaintiff’s counsel would show the court the following:

1. Defendant exceeded the page limitation in its Reply Brief by five (5) pages. Pursuant to LR56(c) Reply to Moving Party, clearly states, “Without prior court approval, a reply to a moving party shall not exceed 10 pages, including the response to additional facts cited by the non-movant.”
2. Heretofore, Defendant exceeded the page limit in its Statement of Material Facts by Twelve (12) pages and filed a motion to exceed the page limitation six (6) days later. In spite of Plaintiff’s objection, the court granted Defendant’s motion.
3. Defendant has not gained prior approval to exceed the ten (10) page limitation for Reply Briefs as set out by the local rules, and again, Plaintiff objects.

WHEREFORE, Plaintiff asks the court to dismiss, with prejudice, Defendant’s Reply

Brief or in the alternative grant Plaintiff permission to file a Sur-Reply.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 9, 2013, I electronically filed the foregoing document with the Clerk of the Court using the ECF system which sent notification of such filing to the following:

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